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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/660,141
Filing Date: September 11, 2003
Appellant(s): PERROT ET AL.

Catherine A. Cooper
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/24/2010 appealing from the Office action mailed 04/07/2010.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the Brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 2-10

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 6,400,702 B1	Meier	06-2002
US 7,099,295 B1	Doyle et al.	08-2006
US 5,570,366	Baker et al.	10-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 2** and **10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Meier, U.S. Patent Number 6,400,702 (hereinafter Meier)** and further in view of **Doyle et al., U.S. Patent Number 7,099,295 (hereinafter Doyle)**.

Regarding **claim 10**, Meier teaches a device (*e.g., WDAP$_s$ 441*) for connecting a centralized wireless network (e.g., *OWL radio network 421*) to at least one other network (*e.g., subnets 401 and 403*), said device being a wireless station (see col. 20, lines 28-34, col. 22, lines 29-35, col. 24, lines 29-41 and Fig. 9; *shows a wireless domain access point (WDAP$_s$ 441) [i.e.*

reads on a device for connecting a centralized wireless network 421 to a plurality of other wired networks 401 & 403]), and further comprising:

a wireless interface for managing more than one MAC address (*e.g., the MAC addresses of remote stations 407 & 409*) for association with an access point (*e.g., $WDAP_P$ 425*) of said centralized wireless network (*i.e., the claimed limitations of "a wireless interface for managing more than one MAC address for association with an access point" is met by the teaching of Meier that using a spanning tree configuration, the plurality of intermediate wireless access points such as WMAP 431, 433 and 435, provide a wireless communication pathway between* ***$WDAP_S$ 441*** *and* ***$WDAP_P$ 425*** *to provide for communication among a plurality of remote stations on the subnets 401 and 403, such as a host computer 407 and personal computers 409, 411 and 413*) (see col. 22, lines 20-35 and col. 24, line 50 through col. 25, lines 10);

a bridge module for managing a plurality of ports for connecting to respective networks (see col. 10, lines 17-30, col. 20, lines 28-34, col. 24, lines 29-41 and col. 25, lines 8-10); and

a link management module for managing associations of different MAC addresses corresponding to devices (*e.g., Host 407 and PC 409*) connected to said at least one other network (*e.g., subnet 401*) with said access point (*i.e., $WDAP_P$ 425*) of said centralized wireless network (*i.e., OWL radio network 421*) such that said devices (*i.e., Host 407 and PC 409*) connected to said at least one other network (*i.e., subnet 401*) will appear as wireless stations to the access point (see col. 22, lines 20-35, col. 23, lines 23-29, col. 24, line 50 through col. 25, lines 10 and Fig. 9 [*i.e., the spanning tree protocol contained at the bridge device ($WDAP_S$ 441) reads on a link management module, since the spanning tree protocol is known in the art as a link management protocol and is specifically implemented in the bridging device ($WDAP_S$ 441)*

for monitoring communication traffic flow related to associations and disassociations of communication terminals in the centralized wireless network 421 and the wired networks 401 & 403]).

Meir fails to explicitly teach said device being a wireless station compliant to IEEE 802.11 or Hiperlan 2 standards, and wherein said associations are as defined by the IEEE 802.11 or Hiperlan2 standards.

In an analogous field of endeavor, Doyle teaches a bridge apparatus can operate as an access point device between an IEEE 802.11 wireless network and a non-IEEE 802.11 wired network (see col. 6, lines 19-21 and figs. 1 and 5). According to Doyle, using the IEEE 802.11 protocol, the bridge apparatus provides a transparent interface or bridge between IEEE 802.11 wireless devices and non-IEEE 802.11 wired devices, such as a host computer or a network controller that resides in the non-IEEE 802.11 wired network (see col. 6, lines 21-26). Furthermore, one of ordinary skill in the art further recognizes said device (*e.g., $WDAP_s$ 441*) for connecting a centralized wireless network (e.g., *OWL radio network 421*) to at least one other network (*e.g., subnets 401 and 403*) of Meier can be broadly characterized as a translational bridge that translates and forwards data between two mediums (*i.e., an 802.3 Ethernet subnets 401 & 403 and OWL radio network 421*) (see col. 22, lines 16-36), hence, it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify said device of Meier with the bridging apparatus of Doyle, in order to provide a transparent interface between IEEE 802.11 wireless devices and non-IEEE 802.11 wired devices to translate and forward data between the two devices as taught by Doyle (see col. 6, lines 21-26 & 38-43).

Regarding **claim 2**, Meier in view of Doyle teaches all the limitations of claim 1. Meier in view of Doyle further teaches a device, further comprising means for determining a spanning tree for all networks attached to the device, comprising means for enabling or disabling the determination of the spanning tree (see *Meier*, col. 22, lines 29-35, col. 23, lines 23-29 and col. 24, lines 29-41).

3. **Claims 3-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Meier, U.S. Patent Number 6,400,702 (hereinafter Meier)** and further in view of **Doyle et al., U.S. Patent Number 7,099,295 (hereinafter Baker)** as applied to **claim 10** above, and further in view of **Baker et al., U.S. Patent Number 5,570,366 (hereinafter Baker)**.

Regarding **claim 3**, Meier in view of Doyle teaches all the limitations of claim 10. Meier in view of Doyle fails to explicitly teach means for updating filtering tables for respective connected networks, said filtering tables comprising information for determining whether a message on a network is to be forwarded to another network or not, said updating using a process by default, comprising means for enabling or disabling the default process.

Baker, however, teaches a bridge-based access point comprising means for updating filtering tables for respective connected networks (see col. 4, line 52 through col. 5, line 32, col. 6, lines 35-44 and Figures 1, 2 and 8), said filtering tables comprising information for determining whether a message on a network is to be forwarded to another network or not, said updating using a process by default (see col. 4, line 52 through col. 5, line 32 and col. 6, lines 35-44), comprising means for enabling or disabling the default process (see col. 5, lines 19-26 and Figures 1, 2 and 8).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Meier and Doyle with Baker to include means for updating filtering tables for respective connected networks, said filtering tables comprising information for determining whether a message on a network is to be forwarded to another network or not, said updating using a process by default, comprising means for enabling or disabling the default process, in order to efficiently transfer filtering information concerning a mobile terminal from one access point to another when the mobile terminal moves from the network of the one access point to the network of the another access point as per the teachings of Baker (see col. 2, lines 44-49).

Regarding **claim 4**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 3. Baker further teaches a device, wherein said default process is based on analysis of source address in messages detected on a respective network, comprising means for enabling or disabling message detection based updating (see col. 4, line 52 through col. 5, line 32 and col. 6, lines 35-44 and Figures 5-6 and 8).

Regarding c**laim 5**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 3. Baker further teaches a device, further comprising means for updating a filtering table for a given network based on a device discovery process specific to said given network (see col. 4, line 52 through col. 5, line 32 and col. 6, lines 35-44 and Figures 2 and 8).

Regarding **claim 6**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 3. Baker further teaches a device, wherein said default process is enabled for an Ethernet network (see col. 3, lines 57-61 and col. 5, lines 19-32).

Regarding **claim 7**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 3. Baker further teaches a device, wherein said default process is disabled for a USB

network (see col. 3, lines 57-61 and col. 5, lines 19-32 [i.e. the limitation "said default process is disabled for a USB network" is met by Baker, since Baker teaches the enabling and disabling of a wired network which broadly reads on a USB network]).

Regarding c**laim 8**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 10. Baker further teaches a device, further comprising means for generating a message to said link management module upon a filtering table amendment, said means for generating a message having an enabled state and a disabled state for each network (see col. 4, line 52 through col. 5, line 32 and col. 6, lines 35-44 and Figures 2 and 8).

Regarding **claim 9**, the combination of Meier, Doyle and Baker teaches all the limitations of claim 8. Baker further teaches a device, wherein said means for generating a message are enabled for an Ethernet network (see col. 3, lines 57-61 and col. 5, lines 19-32).

(10) Response to Argument

In response to Applicant's argument with respect to independent claim 10 that, "neither Meier nor Doyle show or suggest, said device being a wireless station compliant to IEEE 802.11 or Hiperlan 2 standards (see page 9, second paragraph and page 10, first paragraph of remarks/arguments of the Brief)," examiner respectfully disagrees and maintains that Meier in view of Doyle meets the limitations as claimed.

In this instance, Examiner agrees with Applicants' argument that, "Meier fails to explicitly teach said device being a wireless station compliant to IEEE 802.11 or Hiperlan 2 standards" and maintains that it is because of this fact that Doyle is cited as the secondary reference in the U.S.C. 103(a) rejections. Doyle clearly meets the above limitations missing in

Meier, since Doyle teaches a bridge apparatus can operate as an access point device between an IEEE 802.11 wireless network and a non-IEEE 802.11 wired network (see col. 6, lines 19-21 and figs. 1 and 5). According to Doyle, using the IEEE 802.11 protocol, the bridge apparatus provides a transparent interface or bridge between IEEE 802.11 wireless devices and non-IEEE 802.11 wired devices, such as a host computer or a network controller that resides in the non-IEEE 802.11 wired network (see col. 6, lines 21-26). Furthermore, one of ordinary skill in the art would further recognize the device (*e.g., WDAP$_s$ 441* of Meier) is for connecting a centralized wireless network (e.g., *OWL radio network 421*) to at least one other network (*e.g., subnets 401 and 403*) can be broadly characterized as a translational bridge that translates and forwards data between two mediums (*i.e., an 802.3 Ethernet subnets 401 & 403 and OWL radio network 421*) (see *Meier*, col. 22, lines 16-36).

In addition, although Meier predates the IEEE 802.11 standard it is clear from Meier's hierarchical network structure that Meier is a precursor for the establishment of an IEEE 802.11 WLAN, since one of ordinary skill in the art recognizes that an 802.11 access point typically acts as portal device to a distribution system (DS) that is usually a wired 802.3 Ethernet medium, therefore, said device (*i.e., the WDAP$_s$ 441*) of Meier for connecting a centralized wireless network (*i.e., the OWL radio network 421*) to a wired 802.3 Ethernet medium (*i.e., subnets 401 and 403*) as modified with the bridging apparatus of Doyle, meets the claimed limitations of "said device being a wireless station compliant to IEEE 802.11 or Hiperlan 2 standards."

In response to Applicant's argument that nowhere does Doyle et al show or suggest the bridge acting as an 802.11 wireless station and it is therefore clear that Doyle et al does not show or suggest a link management module for managing associations of different MAC addresses

corresponding to devices connected to said at least one other network with said access point of said centralized wireless network such that said devices connected to said at least one other network will appear as wireless stations to the access point (see page 10, first paragraph of remarks/arguments of the Brief)," examiner respectfully disagrees and maintains that Doyle clearly shows or suggest the bridge acts as an 802.11 wireless station. Examiner reiterates that Doyle teaches the bridge apparatus can be preferably applied to a wireless network which uses the IEEE 802.11 standard protocol, and the bridge apparatus can operate as an access point device between an IEEE 802.11 wireless network and a non-IEEE 802.11 wired network (see *Doyle*, col. 6, lines 1-2 and 19-21). In addition, Doyle teaches the bridge apparatus provides a transparent interface or bridge between IEEE 802.11 wireless devices and non-IEEE 802.11 wired devices, thus from the point of view of the IEEE 802.11 wireless network, the non-IEEE 802.11 wired devices would appear as wireless stations when the bridge apparatus operates as an access point (see *Doyle*, col. 6, lines 19-26). Hence, contrary to Applicant's assertions, it is clear from the teachings of Doyle that the bridge acts an 802.11 wireless station.

Furthermore, Examiner respectfully clarifies that Meier was relied upon in the rejections to teach the features directed to "a link management module for managing associations of different MAC addresses corresponding to devices connected to said at least one other network with said access point of said centralized wireless network such that said devices connected to said at least one other network will appear as wireless stations to the access point" and not Doyle as asserted by Applicant. Examiner reiterates that Meier teaches a link management module for managing associations of different MAC addresses corresponding to devices (*e.g., Host 407 and PC 409*) connected to said at least one other network (*e.g., subnet 401*) with said access point

(*i.e., $WDAP_P$ 425*) of said centralized wireless network (*i.e., OWL radio network 421*) such that said devices (*i.e., Host 407 and PC 409*) connected to said at least one other network (*i.e., subnet 401*) will appear as wireless stations to the access point (see col. 22, lines 20-35, col. 23, lines 23-29, col. 24, line 50 through col. 25, lines 10 and Fig. 9 [*i.e., the spanning tree protocol contained at the bridge device ($WDAP_s$ 441) reads on a link management module, since the spanning tree protocol is known in the art as a link management protocol and is specifically implemented in the bridging device ($WDAP_s$ 441) for monitoring communication traffic flow related to associations and disassociations of communication terminals in the centralized wireless network 421 and the wired networks 401 & 403*]).

Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference individually while the rejection is based on a combination of references, hence the rejections using the combination of Meier, Doyle and Baker are proper and maintained.

Claims 2-9 depend from independent claim 10, and, as such, the reasons discussed above for independent claim 10 are applicable to claims 2-9.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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